

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

| | | |
|---------------------------|---|-------------------------------|
| VICTOR CAIN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Nos. 2:18-CV-039; 2:09-CR-031 |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

JUDGMENT ORDER

For the reasons provided in the accompanying memorandum opinion, it is **ORDERED** and **ADJUDGED** that Petitioner's § 2255 motion [Doc. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. If Petitioner files a notice of appeal from this judgment, such notice of appeal will be treated as an application for a certificate of appealability, which is **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22(b) because he has failed to make a substantial showing of the denial of a federal constitutional right. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24 that any such appeal from this judgment would be frivolous and not taken in good faith.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge

ENTERED AS A JUDGMENT
s/ John Medearis
CLERK OF COURT